

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ANTHONY R. BIAFORE, : Civil Action No. 08-2539 (JBS)  
Petitioner, :  
v. : **ORDER**  
J. GRONDOLSKI, Warden, :  
Respondent. :

For the reasons set forth in the Opinion filed herewith,

IT IS on this 5th day of June, 2008,

ORDERED that Petitioner's Application for leave to proceed  
in forma pauperis is GRANTED; and it is further

ORDERED that this Petition is DISMISSED WITHOUT PREJUDICE  
for lack of jurisdiction; and it is further

ORDERED that the Clerk of the Court shall open a new civil  
action and shall docket this Petition as a Complaint received  
therein; and it is further

ORDERED that the Clerk of the Court shall docket a copy of  
this Order and the accompanying Opinion in the newly-opened civil  
action; and it is further

ORDERED that the Clerk of the Court shall send Petitioner a  
blank form Application for leave to proceed in forma pauperis and  
a blank form Complaint to be used by a prisoner in filing a civil  
rights complaint; and it is further

ORDERED that Petitioner may indicate his desire to proceed with his claims in the newly-opened civil action by submitting to the Court, in the newly-opened action, within 30 days after entry of this Order, (1) an amended complaint and (2) either the \$350 filing fee or a complete Application for leave to proceed in forma pauperis, including the required six-months institutional account statement; and it is finally

ORDERED that if Petitioner fails to make such submissions to the Court, to indicate his desire to proceed with his claims in the newly-opened civil action, within 30 days after entry of this Order, this Court shall deem the complaint withdrawn and shall close the newly-filed civil action without prejudice.

s/ Jerome B. Simandle

Jerome B. Simandle  
United States District Judge